

## REMARKS

This application has been reviewed in light of the communication mailed on September 16, 2009. Claims 1, 4, 6, 10-27, and 29 are pending in the application with Claims 1, 14, and 15 being in independent form. By the present amendment, Claims 1, 14, 15, and 29 have been amended and Claims 31-33 have been added. Claims 2-3, 5, and 7-9 have been previously cancelled. Claims 28 and 30 are presently cancelled. No new matter or issues are believed to be introduced by the amendments.

Claims 1, 4, 6, 10, 12-15, and 25-26 were rejected under 35 U.S.C §103(a) as being unpatentable over Platte et al. (U.S. Patent No. 4,864,409) in view of Nagasaki et al. (U.S. Patent No. 5,506,912) and further in view of Saburi (U.S. Patent No. 6,556,235). The rejection is respectfully traversed.

Claim 1, as amended herein, recites, *inter alia*, as follows:

“...wherein the model (i) is adjusted based on a history of prior obtained plurality of calibration parameters used to represent one or more matrices used for the framing and tracking of the object and **(ii) continuously learns of a select number of optimal calibration parameters derived from the history of the prior obtained plurality of calibration parameters for using the select number of the optimal calibration parameters in the framing and tracking of the object.**” (emphasis added)

At page 13 of the present Office Action, the Examiner stated that the applied combination of Platte, Nagasaki, and Saburi fails to teach and/or suggest “...wherein the model is adjusted based on a history of prior obtained plurality of calibration parameters used to represent one or more matrices used for the framing and tracking of the object,” as now recited in amended independent Claim 1. It is noted that Applicants have cancelled Claims 28 and 30, and

incorporated the language of such claims into independent Claim 1 and have also expanded on the language in Claim 30 for further clarity.

The Examiner relied on Hartley to disclose the feature of Claim 30. It is respectfully submitted that Hartley does not teach and/or suggest “the model (i) is adjusted based on a history of prior obtained plurality of calibration parameters used to represent one or more matrices used for the framing and tracking of the object,” as recited in amended independent Claim 1.

First, the Examiner stated that the language of Claim 30 was disclosed in Section 2 of Hartley. Specifically, the Examiner stated that Hartley discloses that the model “is adjusted on a history of prior obtained plurality of calibration parameters.” It is respectfully submitted that Hartley does not teach and/or suggest such feature in Section 2. Section 2 describes the parameters within a matrix  $K$  and a camera matrix  $M_j$ . However, it appears that none of the parameters or matrices of Hartley refer to historical data of calibration parameters, as recited in amended independent Claim 1. Applicants also briefly looked through the other sections of Hartley and cannot find any language or indication that historical data of calibration parameters are being used to track an object. Support for such features can be found at least at page 10, lines 8-18 of the present disclosure.

Hartley clearly does not teach and/or suggest such features.

Independent Claims 14 and 15 include the same or similar limitations to those of Claim 1, and are allowable over the prior art of record for at least the same reasons presented above for the patentability of independent Claim 1.

Accordingly, the withdrawal of the rejection under 35 U.S.C. §103(a) with respect to Claims 1, 14, and 15, and allowance thereof are respectfully requested.

Dependent Claims 4, 6, 10, 12-13, and 25-26 are allowable over the prior art of record for at least the same reasons presented above for the patentability of independent Claims 1, 14, and 15. Accordingly, the withdrawal of the rejection under 35 U.S.C. §103(a) with respect to dependent Claims 4, 6, 10, 12-13, and 25-26, and allowance thereof are respectfully requested.

Claim 11 was rejected under 35 U.S.C §103(a) as being unpatentable over Platte et al. in view of Nagasaki et al., in view of Saburi, and further in view of Vincent (U.S. Patent No. 6,195,122). The rejection is respectfully traversed.

Claim 11 depends from independent Claim 1, and, at least due to such dependency, is believed to be distinguishable from Platte, Nagasaki, and Saburi. The Examiner does not rely on Vincent to overcome the above-described deficiencies of Platte, Nagasaki, and Saburi. Accordingly, the withdrawal of the rejection under 35 U.S.C. §103(a) with respect to Claim 11 and allowance thereof are respectfully requested.

Claims 16-18 were rejected under 35 USC §103(a) as being unpatentable over Platte et al. in view of Nagasaki et al., in view of Saburi, and further in view of Koyanagi et al. (U.S. Patent No. 6,323,898). The rejection is respectfully traversed.

Claims 16-18 depend, either directly or indirectly, from independent Claim 1, and, at least due to such dependency, are believed to be distinguishable from Platte et al., Nagasaki, and Saburi. The Examiner does not rely on Koyanagi to overcome the above-described deficiencies of Platte, Nagasaki, and Saburi. Accordingly, the withdrawal of the rejection under 35 U.S.C. §103(a) with respect to Claims 16-18 and allowance thereof are respectfully requested.

Additionally, Applicants respectfully traverse the Examiner's assertion of Official Notice. As set forth the Manual of Patent Examining Procedure:

Official Notice unsupported by documentary evidence should only be taken by the Examiner where the facts asserted to be well-known, or to be common knowledge in the art are capable of instant and unquestionable demonstration as being well-known.

It would not be appropriate for the Examiner to take Official Notice of facts without citing a prior art reference where the facts asserted to be well known are not capable of instant and unquestionable demonstration as being well-known.

If such notice is taken, the basis for such reasoning must be set forth explicitly. The Examiner must provide specific factual findings predicated on sound technical and scientific reasoning to support his or her conclusion of common knowledge. The applicant should be presented with the explicit basis on which the Examiner regards the matter as subject to official notice.

*MPEP* at § 2144.03.

It is respectfully submitted that the facts presented in Claims 16-18 are not capable of instant and unquestionable demonstration as being well-known. Specifically, it is not apparent that it is well-known that a digital camera may include the capability of activating certain camera functions by a voice-activated method. The Examiner has not presented any reasoning to support her conclusion of common knowledge. The Examiner merely states, without supporting her position, that “it is well known in the digital imaging art for a digital camera to include the capability of activating certain camera functions by a voice-activation method.” Accordingly, in view of the foregoing, withdrawal of the Official Notice is respectfully requested.

Claims 19-24 and 27-30 were rejected under 35 USC §103(a) as being unpatentable over Platte et al. in view of Nagasaki et al., in view of Saburi, and further in view of

Hartley (Self-Calibration of Stationary Cameras). The rejection is respectfully traversed with respect to Claims 19-24, 27, and 29.

Claims 19-24, 27, and 29 depend, either directly or indirectly, from independent Claim 1, and, at least due to such dependency, are believed to be distinguishable from Platte, Nagasaki, and Saburi. The Examiner does not rely on Hartley to overcome the above-described deficiencies of Platte, Nagasaki, and Saburi. Accordingly, the withdrawal of the rejection under 35 U.S.C. §103(a) with respect to Claims 19-24, 27 and 29 and allowance thereof are respectfully requested.

Additionally, Applicants respectfully traverse the Examiner's assertion of Official Notice. It is respectfully submitted that the facts presented in Claim 20 are not capable of instant and unquestionable demonstration as being well-known. Specifically, it is not apparent that it is well-known for "camera calibration parameters to be adjusted at a time of manufacturing." The Examiner has not presented any reasoning to support her conclusion of common knowledge. The Examiner merely states, without supporting her position, that "it is well known in the digital imaging art for camera calibration parameters to be adjusted at a time of manufacturing of a camera." Accordingly, in view of the foregoing, withdrawal of the Official Notice is respectfully requested.

New Claims 31-33 recite features which are not taught and/or suggested by the prior art of record. That is, none of the prior art of record teaches and/or suggests a model that "continuously learns of a select number of optimal calibration parameters derived from the history of the prior obtained plurality of calibration parameters." In other words, in the present disclosure, the model continuously learns of the best parameters to reuse for tracking an object. Thus, this is a dynamic system that selectively determines and manipulates only a select number

of optimal parameters in order to more efficiently track an object. By ignoring a number of not-so-relevant parameters and focusing only on the best or optimal parameters, the object tracking processing is performed faster and more accurately.

In view of the foregoing amendments and remarks, it is respectfully submitted that all Claims presently pending in the application, namely, Claims 1, 4, 6, 10-27, and 29, are believed to be in condition for allowance.

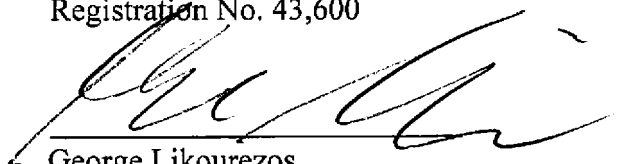
If the Examiner should have any questions concerning this communication or feels that an interview would be helpful, the Examiner is requested to contact the undersigned.

Respectfully submitted,

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